

ASSEMBLY BILL

No. 1202

Introduced by Assembly Member Skinner

February 22, 2013

An act to add Section 144.8 to the Labor Code, relating to occupational safety and health standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1202, as introduced, Skinner. Occupational safety and health standards: hazardous drugs.

Under existing law, the Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. Violations of these standards and regulations is a crime.

This bill would require the board to adopt a standard for the handling of antineoplastic and other hazardous drugs, as defined, in health care facilities regardless of the setting. The bill would require the standard to be consistent with and not exceed specific recommendations adopted by the National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Health care personnel who work with or near hazardous
3 drugs in health care settings may be exposed to these agents in the
4 air, on work surfaces, clothing, and medical equipment, or through
5 patient contact.

6 (b) According to the National Institute for Occupational Safety
7 and Health, early concerns about occupational exposure to
8 antineoplastic drugs first appeared in the 1970s. Antineoplastic
9 and other hazardous drugs may cause skin rashes, infertility,
10 miscarriages, and birth defects, and have been linked to a wide
11 variety of cancers.

12 (c) In 2004, the National Institute for Occupational Safety and
13 Health published an alert on preventing occupational exposures
14 to antineoplastic and other hazardous drugs in health care settings,
15 and updated that alert in 2010. In this alert, the National Institute
16 for Occupational Safety and Health “presents a standard
17 precautions or universal precautions approach to handling
18 hazardous drugs safely: that is, NIOSH recommends that all
19 hazardous drugs be handled as outlined in this Alert.”

20 (d) It is the intent of the Legislature to require the Occupational
21 Safety and Health Standards Board to adopt standards that require
22 health care facilities to comply with all aspects of the National
23 Institute for Occupational Safety and Health alert regardless of the
24 setting in order to protect health care personnel from hazardous
25 exposure to these drugs.

26 SEC. 2. Section 144.8 is added to the Labor Code, to read:

27 144.8. (a) As used in this section the following definitions
28 shall apply:

29 (1) “Antineoplastic drug” means a chemotherapeutic agent that
30 controls or kills cancer cells.

31 (2) “Hazardous drug” means any drug identified by the National
32 Institute for Occupational Safety and Health at the federal Centers
33 for Disease Control and Prevention or any drug that meets at least
34 one of the following six criteria: carcinogenicity, teratogenicity or
35 developmental toxicity, reproductive toxicity in humans, organ

1 toxicity at low doses in humans or animals, genotoxicity, or new
2 drugs that mimic existing hazardous drugs in structure or toxicity.

3 (3) “NIOSH” means the National Institute for Occupational
4 Safety and Health.

5 (b) The board shall adopt an occupational safety and health
6 standard for the handling of antineoplastic and other hazardous
7 drugs in health care facilities regardless of the setting. In
8 developing the standard, the board shall consider input from
9 hospitals, organizations representing health care personnel, and
10 other stakeholders, and shall determine a reasonable time for
11 facilities to implement new requirements imposed by the adopted
12 standard. The standard shall be consistent with and not exceed
13 recommendations in the NIOSH 2004 alert entitled “Preventing
14 Occupational Exposures to Antineoplastic and Other Hazardous
15 Drugs in Health Care Settings,” as updated in 2010. The standard
16 may incorporate applicable updates and changes to NIOSH
17 guidelines.

18 SEC. 3. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.